

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY, *et al.*,

Plaintiffs,

-v-

IBRAHIM FATIHA, D.C., *et al.*,
Defendants.

20-CV-443 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On December 19, 2024, the Court conducted a telephonic conference to discuss Plaintiffs' motion to strike the answers of Defendants Michael Berezovsky and Concept Medical Supply, Inc., or, alternatively, impose monetary sanctions and deem certain responses to Plaintiffs' RFAs admitted.

At that conference, the Court determined that monetary sanctions were warranted against Berezovsky because he ignored the Court's Order on November 8, 2024, to amend his RFA responses to answer Plaintiffs' questions more accurately, and he instead submitted identical responses on November 19, 2024. This followed an extended pattern of Berezovsky's failing or refusing to comply with discovery deadlines in this case. Accordingly, the Court hereby imposes a sanction of \$50,000 against Berezovsky, to be paid to Plaintiffs, in addition to attorney's fees for the cost of litigating this motion.

The Court also determined that admission of some of Berezovsky's responses was proper under Federal Rule of Civil Procedure 36. However, as noted during the conference, the Court will determine at trial exactly which of these responses are admitted based on Berezovsky's failure to follow the Court's November 8, 2024 Order.

The parties are directed to submit a joint status letter regarding the status of settlement discussions and any request for referral to the District's mediation program or a magistrate judge by January 31, 2025.

The Clerk of Court is directed to close the motion at Docket Number 215.

SO ORDERED.

Dated: January 17, 2025
New York, New York



J. PAUL OETKEN
United States District Judge